

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

DUPREE R. EVANS, # 149521,)
) Civil Action No. 3:06-1416-TLW
Plaintiff,)
)
vs.)
)
STATE OF SOUTH CAROLINA; OFFICE)
OF THE SOLICITOR FOR THE)
FIFTEENTH JUDICIAL CIRCUIT;)
HEATHER TOLAR, Assistant Solicitor;)
J. GREGORY HEMBREE; Solicitor for the)
Fifteenth Judicial Circuit; and NORTH)
MYRTLE BEACH POLICE DEP'T,)
)
Defendants.)
)

Plaintiff is a pretrial detainee at the J. Reuben Long Detention Center. He brings this action pursuant to 28 U.S.C. § 1983. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that this complaint be dismissed without prejudice and without issuance and service of process. The Report is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c), D.S.C.

The Magistrate Judge makes only a recommendation to this Court. The responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his Report on May 11, 2006. Plaintiff failed to file objections.

In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that this complaint be **DISMISSED** without prejudice and without issuance and service of process. Additionally, this dismissal will be deemed a “strike” for purposes of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

September 7, 2006
Florence, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.